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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q58461

Hans Berg ANDREASEN, et al.

Appln. No.: 09/509,681

Group Art Unit: 1615

Confirmation No.: 3146

Examiner: Todd Ware

Filed: March 30, 2000

For: A PROCESS FOR PRODUCING AN IRON-DEXTRAN COMPOUND,
IRON-DEXTRAN COMPOUND PRODUCED ACCORDING TO SAID PROCESS,
PHARMACEUTICAL COMPOSITION FOR PROPHYLAXIS OR TREATMENT OF
IRON-DEFICIENCY AND USE OF SAID COMPOUND FOR THE

01/07/2003 PTUCK1 00000005 194880 09509681

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement issued by the Examiner, Applicant elects to prosecute the invention identified as Group I, corresponding to claims 1-6, 10 and 13-15. However, this election is with traverse in that Applicant submits that claims 7 and 8, which the Examiner included in Group II, should be included in Group I. More specifically, claims 7 and 8 depend from claim 1 and, therefore, by definition relate to the same inventive concept covered by claim 1. More specifically, claim 1 is a generic claim directed to a process of producing an iron-dextran compound without any specific pH requirement. In contrast, claim 7 merely adds additional steps to the process, one of which involves adjusting the pH of the aqueous solution to a value above 10 by addition of a base. It should be noted that claim 1 requires the addition of a base which would have the effect of increasing the pH. The special technical contribution over

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the prior art for both Groups I and II is the particular preparation of the dextran compounds prior to forming complexes with the water soluble ferric salt forming a novel iron dextran compound. It is therefore submitted that Groups I and II are directed to a single inventive complex, so that claims 1-8, 10 and 13-15 should be examined in this application. On the other hand, Applicant does not traverse the Restriction Requirement with respect to Group III and reserve the right to file a Divisional application directed toward this group.

Applicants submit herewith a Preliminary Amendment in which the multiple dependencies of the claims have been removed.

In view of the foregoing, Applicant believes that a complete examination on the merits is now in order. Early and favorable action is respectfully requested.

Respectfully submitted,



Brian W. Hannon
Registration No. 32,778

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: November 20, 2002



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PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Please amend the above-identified application as follows:

IN THE CLAIMS:

Please enter the following amended claims:

3. (Amended) A process according to claim 1, characterized in that after the hydrolysis, but before being combined with the water-soluble ferric salt, the dextran is purified by one or more membrane separations having a cut-off value suitable for holding back dextran molecules above 2,700 Da, possibly followed by further hydrolysis and one or more membrane separations having a cut-off value between 340 and 800 Da removing the smaller molecules.

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